



Arizona Department of Transportation
Intermodal Transportation Division

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July 5, 2006

JPA-98-063

Mr. Phil Mathews
Assistant Director
Engineering and Construction Services
Salt River Pima-Maricopa Indian Community
10005 East Osborn Rd.
Scottsdale, Arizona 85256

*Received
P. Mathews
7/6/06*

Subject: Northeast Outer Loop 101 SRPMIC Boundary North of 90th St to Camelback Road
TRACKS: H491401C Landscaping Project.

By mutual agreement the Arizona Department of Transportation and the Salt River, Pima-Maricopa Indian Community will proceed to landscape approximately 4.86 miles of the Loop 101 Freeway from the SRPMIC Boundary north of 90th Street at the 101 Loop south to Camelback Road. A plan and profile for the proposed project is attached for your reference.

Legal basis for implementation of the referenced landscaping project is predicated upon the following actions:

- (1) Applications for use of SRPMIC land for highway purposes, was made by ADOT to SRPMIC on April 18, 1990.
- (2) The Bureau of Indian Affairs acting through the Salt River Agency granted ADOT on an easement on July 17, 1990 for the Pima Freeway right-of-way.
- (3) Items 7 and 8 of the grant of right-of-way identified the referenced landscaping project and agency responsibilities for constructing a water supply system in exchange for water to be provided by SRPMIC.

The Scope of Work for the proposed landscaping project included the following agency responsibilities:

- (1) The State shall:
 - a. Prepare plans, specifications, and special provisions for the landscaping and irrigation for the Project from SRPMIC Boundary-Camelback Road and submit them to the SRPMIC for concurrence.
 - b. After SRPMIC concurrence of the plans, construct the Project in accordance with the signed and sealed plans, specification, and special provisions, as they have been concurred with by the SRPMIC, using State funds.
 - c. Agree that water service connections will occur at the mile intervals or as the State and SRPMIC may jointly determine.



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- d. Upon completion of the Project's construction, maintain the irrigation system including all testing, adjusting, repairing and operations of the irrigation system, and shall furnish all electrical power necessary to operate the irrigations system, excluding, booster pumps, which may be necessary to maintain water pressure at levels required by the plans and specifications concurred to by the SRPMIC.
- e. Agree to maintain the landscaping after Project's construction, so long as the SRPMIC continues to furnish water for maintenances. Maintenance will consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, applying irrigation water, furnishing and applying insecticide/herbicides sprays to combat diseases and other pest, pruning and replanting as required to maintain landscaping as it was designed, and established at the completion of the project. The State will be responsible for any contractor claims for extra compensations attributable to the State.

(2) The SRPMIC shall:

- a. Furnish necessary water service from water mains to the designated locations within right-of-way as SRPMIC and State jointly determine, at SRPMIC expense.
- b. Furnish all potable water for landscape installation during the construction phase, and all potable water at pressure required by the final SRPMIC concurred upon plans and specifications thereafter necessary to properly maintain the landscape, all at SRPMIC expense. The SRPMIC will be responsible for any additional costs for damage, contractor claims for delay or extra compensation attributable to the SRPMIC.
- c. Agree that water service connections will occur at mile intervals or as the State and SRPMIC may jointly determine.

ADOT will proceed to advertise the project, select a contractor and initiate construction anticipated this fall. Communication with your office regarding construction coordination, schedule and related details will occur prior to the onset of construction.

Thank you for your cooperation and assistance in implementation of this project.

Sincerely,



William J. Hayden

- c. Mike Bruder Shannon Childs
 Ron McCally Leroy Brady
 Barry Crockett Chuck Vergith



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